

## House Concurrent Resolution 107 - Introduced

### HOUSE CONCURRENT RESOLUTION NO. 107

BY KAJTAZOVIC

1 A Concurrent Resolution requesting that the United  
2 States Congress propose amendments to the  
3 Constitution of the United States to allow for the  
4 regulation of the political expenditure of funds by  
5 corporations.

6 WHEREAS, the Bill of Rights as part of the  
7 Constitution of the United States provides certain  
8 inalienable rights to natural persons; and

9 WHEREAS, corporations are not mentioned in the  
10 Constitution of the United States; and

11 WHEREAS, governments create the legal structures for  
12 the recognition of corporate entities, and the rights  
13 that they enjoy under the Constitution of the United  
14 States should be more narrowly defined than the rights  
15 that are afforded to natural persons; and

16 WHEREAS, the decision to regulate corporate  
17 financial campaign contributions is one that  
18 historically the United States Congress and the states  
19 have been allowed to address; and

20 WHEREAS, in 1907, the United States Congress enacted  
21 the Tillman Act, 34 Stat. 864, prohibiting corporate  
22 financial contributions to federal election campaigns  
23 for public office; and

24 WHEREAS, in 2010, the United States Supreme Court  
25 in Citizens United v. Federal Election Commission,  
26 588 U.S. 310, ruled that the United States Congress  
27 and the states lacked the constitutional right to  
28 ban independent corporate expenditures to political

1 campaigns for public office; and

2 WHEREAS, the United States Supreme Court in the  
3 Citizens United decision relied on its previously  
4 issued opinion in the 1976 case of Buckley v. Valeo,  
5 424 U.S. 1, in which the Supreme Court equated the  
6 spending of money for electing candidates to public  
7 office as speech; and

8 WHEREAS, the Citizens United decision has allowed  
9 for the creation of super political action committees  
10 in election campaigns for public office that allow for  
11 unregulated campaign expenditures in unprecedented  
12 amounts; and

13 WHEREAS, as a result of the Citizens United  
14 decision, Congress and the state legislatures were  
15 denied any legal authority to regulate independent  
16 corporate political expenditures; and

17 WHEREAS, a restoration of the guidelines established  
18 in the Bipartisan Campaign Reform Act of 2002, Pub.  
19 L. No. 107-155, is imperative so that the United  
20 States Congress and the state legislatures may  
21 exercise their historic authority to make their own  
22 decisions about whether to regulate corporate political  
23 expenditures; and

24 WHEREAS, this policy change will require that  
25 the Constitution of the United States be amended to  
26 authorize the United States Congress and the states  
27 to regulate individual and corporate financial  
28 participation in political campaigns; and

29 WHEREAS, the Iowa General Assembly does not  
30 support amending the Constitution of the United States

1 to in any way abridge the rights of any person or  
2 organization, including freedom of religion and freedom  
3 of the press; and

4 WHEREAS, the Iowa General Assembly expresses its  
5 disagreement with the holdings of the United States  
6 Supreme Court in its decisions in Buckley and Citizens  
7 United which hold that money constitutes speech  
8 and that the First Amendment prohibits the federal  
9 government from restricting political independent  
10 expenditures by corporations; and

11 WHEREAS, United States Senator Tom Udall of New  
12 Mexico with 15 cosponsors has introduced Senate  
13 Joint Resolution 19, "proposing an amendment to  
14 the Constitution of the United States relating to  
15 contributions and expenditures intended to affect  
16 elections" that would give the United States Congress  
17 and the states the authority to regulate the raising  
18 and spending of moneys with respect to elections; NOW  
19 THEREFORE,

20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
21 THE SENATE CONCURRING, That the General Assembly  
22 respectfully requests that the Congress of the United  
23 States adopt Senate Joint Resolution 19; and

24 BE IT FURTHER RESOLVED, That the General Assembly  
25 urges the United States Congress to propose an  
26 amendment to the Constitution of the United States that  
27 provides that money is not speech, that corporations  
28 are not persons under the Constitution of the United  
29 States, and that affirms the constitutional rights of  
30 natural persons; and

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1     BE IT FURTHER RESOLVED, That the Chief Clerk of  
2 the House of Representatives shall transmit certified  
3 copies of this resolution to the President and  
4 Secretary of the United States Senate, the Speaker and  
5 Clerk of the United States House of Representatives,  
6 and each member of the Iowa congressional delegation.